

## Message Text

SECRET

PAGE 01 MANILA 04592 211223Z  
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
-----070533 211504Z /53

R 211015Z MAR 78  
FM AMEMBASSY MANILA  
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INFO SECDEF WASHDC  
JCS  
CINCPAC  
CINCPACAF  
CINCPACREPPHIL  
13TH AF CLARK AB  
CINCPACFLT PEARL HARBOR HI

S E C R E T MANILA 4592

EXDIS

MILITARY ADDRESSEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS  
TAGS: MARR, RP  
SUBJECT: PHILIPPINE BASE DISCUSSIONS: CRIMINAL JURISDICTION

REF: MANILA 4589

TEXT OF RP CRIMINAL JURISDICTION PROPOSAL (SEE REFTTEL) FOLLOWS:  
QUOTE: THE PHILIPPINES CONSENTS THAT THE UNITED STATES MAY EXERCISE  
JURISDICTION OVER MEMBERS OF THE UNITED STATES FORCES WITH RESPECT  
TO THE FOLLOWING OFFENSES COMMITTED BY SUCH PERSONS  
UNLESS THE COMMISSION OF ANY OF THE OFFENSES AFFECTS  
THE SECURITY OF THE PHILIPPINES:

A. OFFENSES SOLELY AGAINST THE PROPERTY OR SECURITY OF THE  
UNITED STATES, OR OFFENSES SOLELY AGAINST THE PERSON OR PROPERTY  
OF A MEMBER OF THE UNITED STATES FORCES, A MEMBER OF THE CIVILIAN

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COMPONENT OR A DEPENDENT UNLESS HE IS A CITIZEN OF THE  
PHILIPPINES;

B. OFFENSES ARISING OUT OF ANY ACT OR OMISSION DONE  
WITHIN THE SCOPE AND IN THE ACTUAL PERFORMANCE OF A SPECIFIC  
MILITARY DUTY.

WHERE THE UNITED STATES ASSERTS THAT AN OFFENSE COMMITTED BY A MEMBER OF THE UNITED STATES FORCES IS ONE WITH RESPECT TO WHICH THE PHILIPPINES CONSENTS THAT THE UNITED STATES MAY EXERCISE JURISDICTION, A CERTIFICATE TO THAT EFFECT WILL BE SIGNED AND SUBMITTED BY THE UNITED STATES FACILITIES COMMANDER AND TRANSMITTED TO THE FISCAL OF THE CITY OR PROVINCE WHERE THE ALLEGED OFFENSE WAS COMMITTED THROUGH THE PHILIPPINE BASE COMMANDER, AND WILL INCLUDE A BRIEF SUMMARY OF THE FACTS UPON WHICH THE ASSERTION IS BASED. IN CASE THE FISCAL DEEMS IT NECESSARY TO CONDUCT FURTHER INVESTIGATION OF THE FACTS, THE PHILIPPINE BASE COMMANDER WILL GIVE WRITTEN NOTICE TO THAT EFFECT TO THE UNITED STATES FACILITIES COMMANDER.

IN THE EVENT THE FISCAL FINDS THAT THE OFFENSE IS NOT ONE WITH RESPECT TO WHICH THE PHILIPPINES CONSENTS THAT THE UNITED STATES MAY EXERCISE JURISDICTION AND FILES THE CORRESPONDING INFORMATION WITH THE COURT WHICH HAS JURISDICTION OVER THE OFFENSE, THE ACCUSED MAY, AS A DEFENSE, MAKE BEFORE SUCH COURT THE SAME ASSERTION OF UNITED STATES JURISDICTION. THE CERTIFICATE ISSUED BY THE UNITED STATES FACILITIES COMMANDER SHALL BE ADMISSABLE AS EVIDENCE THAT THE OFFENSE CHARGED IS ONE WITH RESPECT TO WHICH THE UNITED STATES MAY EXERCISE JURISDICTION. UNQUOTE

NEWSOM

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NNN

## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NEGOTIATIONS, MILITARY BASE AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 mar 1978  
**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014